IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

CRL.A.No. 113 of 2000()

CC.21/1999 of JUDL. MAGISTRATE OF FIRST CLASS, KOTTAYAM DT.11.10.1999.
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APPELLANT: COMPLAINANT

MALIAKKAL FINANCIERS, KOTTAYAM,
REP.BY ITS MANAGER AND POWER OF
ATTORNEY HOLDER
MATHEW M. GEORGE, MALIAKKAL HOUSE,
KOTTAYAM.

BY ADV. SRI.K.M.VARGHESE

RESPONDENTS: STATE & ACCUSED
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1. **STATE OF KERALA REP.BY**
PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

2. **T.A.KURUVILA, DIRECTOR,**
KALPAKA PROCESSING CO.,
SARA P.O., ALLEPPEY.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO.113 of 2000

DATED THIS THE 27th DAY OF JUNE 2007

JUDGMENT

The appellant is the complainant in C.C.No. 21/99 in the file of the Judicial Magistrate of First Class-I, Kottayam. The complaint was filed under Section 138 of the negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal procedure. It is the case of the appellant that on the particular day, he happened to be absent on account of wrong noting of the posting date.

In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on its merits. The appellant shall appear before the court below on 30-7-2007. The court below shall issue summons to the accused/respondent. The appeal is allowed.

K.R. UDAYABHANU, JUDGE

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K.R. UDAYABHANU,J.

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CRL.A.NO. 113 of 2000

JUDGMENT

27-6-2007

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